

FILED  
03 MAY 23 PM 2:53  
By: LANCE S. WILSON  
CLERK  
DEPUTY

MARSHALL S. RUDOLPH (Cal. State Bar No. 150073)  
Mono County Counsel  
STACEY SIMON (Cal. State Bar No. 203987)  
Deputy County Counsel  
P.O. Box 2415  
Mammoth Lakes, CA 93546-2415  
Ph: (760)924-1700  
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Attorneys for Defendant, MONO COUNTY, California

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION  
DISTRICT, a corporation, et. al.

Defendants

73-127  
IN EQUITY NO. C-125-ECR  
Subproceedings: C-125-B and C-125-C

COUNTY OF MONO'S MOTION  
FOR RELIEF FROM LOCAL  
RESIDENT COUNSEL  
REQUIREMENT OF LOCAL RULE  
1A 10-2(c)

For the reasons given below, the County of Mono, by and through their undersigned counsel, hereby respectfully requests that the Court waive the local counsel requirement of Local Rule 1A 10-2(c) for the purposes of this case only. Local Rule 1A 10-2(c) of this Court requires association of a resident member of the Nevada Bar as co-counsel, unless the Court decides otherwise.

At this time, the County hereby requests that the Court relieve it from the requirement of Local Rule 1A 10-2(c) and allow it to solely represent itself (through its own County Counsel's Office) in this litigation. The reasons for this motion are as follows:

(1) The County of Mono is a political subdivision of the State of California. It is

1 presently represented in this matter by its own Office of the County Counsel, which has  
2 offices both in Bridgeport and in Mammoth Lakes, California, which are located two  
3 and one half and three hours drive from this Court, respectively. The two attorneys  
4 assigned to this case, County Counsel Marshall S. Rudolph and Deputy County Counsel  
5 Stacey Simon, are available for all necessary hearings or appearances before this court  
6 and can be available on short notice.

7 (2) Marshall S. Rudolph is a graduate of Stanford University and of the  
8 University of California, Hastings College of Law. He has been a practicing attorney for  
9 twelve years and has been County Counsel of Mono County since 1996. Stacey Simon is  
10 a graduate of Occidental College and the University of California at Berkeley (Boalt  
11 Hall) School of Law and has been a Deputy County Counsel for Mono County since  
12 1999. The County has additionally retained (non-resident) outside counsel in this  
13 matter with experience litigating both state and federal water law cases. Finally, the  
14 County has access to and consults when necessary with Nevada attorneys about this  
15 case.

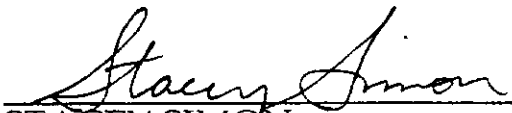
16 (3) By granting this motion, the Court will assist Mono County in stretching  
17 limited taxpayer dollars to provide the best representation possible of its own interests  
18 and the interests of its constituents. The County is committed to devoting substantial  
19 staff attorney time to this case, has involved a water law practitioner to aid it in dealing  
20 with issues particular to California water law, and is contributing to the payment of the  
21 mediator retained to manage the settlement negotiations. Meeting the local counsel  
22 requirement of Rule 1A 10-2(c) would put an additional financial burden on the  
23 County's already limited resources.

24 (4) If this waiver is granted, the County, through its County Counsel's office, will  
25 comply with the spirit and the intent of Local Rule 1A 10-2(c). Mono County's  
26 attorneys are able to attend all necessary hearings, have the ability to sign binding  
27 stipulations, and will perform any other acts necessary to the proper representation of  
28 Mono County.

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DATED: May<sup>21</sup>, 2003

  
MARSHALL S. RUDOLPH  
Counsel for County of Mono

  
STACEY SIMON  
Counsel for County of Mono

APPROVED:

DATED: \_\_\_\_\_

UNITED STATES DISTRICT JUDGE

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF MONO

I, Karen J. Serwatka, the undersigned, declare that:

I am employed in the County of Mono, State of California. I am over the age of 18 and not a party to this cause. My business address is Mono County Counsel, 452 Old Mammoth Road, Post Office Box 2415, Mammoth Lakes, California 93546.

On May 22, 2003, I served a true copy of the foregoing document described as **County of Mono's Motion for Relief from Local Resident Counsel Requirement of Local Rule 1A 10-2 (c)** on the parties in this cause, listed on attached Service List:

Please see attached Service List.

**BY MAIL**

X by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in a box designated by my employer for collection and processing of correspondence for mailing with the United States Postal Service, addressed as set forth above. I am readily familiar with the business practices of my employer for the collection and processing of correspondence for mailing with the United States Postal Service. The correspondence placed in the designated box is deposited with the United States Postal Service at Mammoth Lakes, California, the same day in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 22, 2003, at Mammoth Lakes, California.

  
Karen J. Serwatka

## **Service List (cont.)**

**Lou Leonard**  
U.S. Dept. of the Interior, Office of the  
Secretary, Division of Indian Affairs  
1849 C. Street, N.W.  
Mail Stop 6456  
Washington DC 20240

**James Spoo. Treva J. Hearne**  
Zeh St. Aubin Spoo & Hearne  
575 Forest Service, Suite 200  
Reno NV 98509

**Gordon DePaoli/Dale Ferguson**  
Woodburn & Wedge  
6100 Neil Road, Suite 500  
Reno NV 98511

**Michael Axline/Heather Brinton**  
Western Environmental Law Center  
1216 Lincoln St.  
Eugene OR 97401

**Jon McMasters**  
Walker River Paiute Tribe  
Post Office Box 220  
Schurz NV 89427

**Shirley & Louis Thompson**  
Walker River Working Group  
P.O. Box 867  
Hawthorne NV 89415

**Tim Glidden**  
U.S. DOI, Office of the Solicitor  
Division of Indian Affairs  
1849 C Street, N.W., M.S 6456  
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**Scott H. Shackelton**  
Silverado,, Inc.  
4160 Long Knife Road  
Reno NV 89509

**Roger Bezayiff**  
Watermaster  
P.O. Box 853  
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**Kathryn E. Landreth**  
United States Attorney  
100 W. Liberty, Suite 600  
Reno NV 899501

**Alex J. Flangers/Timothy A. Lukas**  
Robert C. Anderson  
Hale Lane Peek Dennison Howard  
Anderson & Pearl  
P.O. Box 3237  
Reno NV 89509

**William Jac Shaaw**  
Brooke Shaw & Zumpft  
1590 Fourth St.  
Minden NV 89423

1 STACEY SIMON (Cal. State Bar No. 203987)  
Deputy County Counsel  
2 Mono County, California  
452 Old Mammoth Road, Suite J-3  
3 P.O. Box 2415  
Mammoth Lakes, CA 93546  
4 Ph: (760)924-1700  
Fax: (760)924-1701  
5

6 Attorney for Defendant, MONO COUNTY, California  
7

8 UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA

11 Plaintiff,

12 WALKER RIVER PAIUTE TRIBE,

13 Plaintiff-Intervenor,  
14

15 vs.

16 WALKER RIVER IRRIGATION  
DISTRICT, a corporation, et. al.

17 Defendants  
18

U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
RECEIVED

MAY 23 2003

CLERK, U.S. DISTRICT COURT

BY \_\_\_\_\_

DE

C-125BEER

VERIFIED PETITION FOR PERMISSION  
TO PRACTICE IN THIS CASE ONLY BY  
ATTORNEY NOT ADMITTED TO THE  
BAR OF THIS COURT

19 VERIFIED PETITION FOR PERMISSION TO PRACTICE IN THIS CASE ONLY

20 Stacey Simon, Petitioner, respectfully represents to the Court:

21 That Petitioner is not a member of the Bar of this Court;

22 That Petitioner resides at 31 Blue Lake Way, Lee Vining, California, 93541;

23 That Petitioner is an attorney at law employed by the County of Mono, a political  
24 subdivision of the State of California, with offices at 452 Old Mammoth Road,  
25 Mammoth Lakes, CA 93546;

26 That Petitioner represents the County of Mono in connection with the above-  
27 entitled case now pending before this Court;

28 That since December 3, 1999, Petitioner has been and presently is a member in

FILED 15.02 Date 5/23/03  
14831 initials JR - 1 -

1 good standing of the bar of the higher Court of the State of California where Petitioner  
2 regularly practices law;

3 That no disbarment proceedings are presently pending nor have disbarment  
4 proceedings ever been instituted against petitioner; nor has any certificate or privilege  
5 to appear and practice before any regulatory administrative body ever been suspended  
6 or revoked;

7 That neither through resignation, withdrawal, or otherwise, has Petitioner  
8 terminated or attempted to terminate Petitioner's office as an attorney in order to avoid  
9 administrative disciplinary or disbarment proceedings;

10 That Petitioner is a member in good standing of the following Bar Associations:  
11 The California Bar Association and the Mono County Bar Association;

12 That Petitioner respectfully prays that she be admitted to practice before this  
13 Court FOR PURPOSES OF THIS CASE ONLY.

14  
15 DATED: 4/22/03

Stacey Simon  
16 STACEY SIMON, Petitioner

17  
18 VERIFICATION

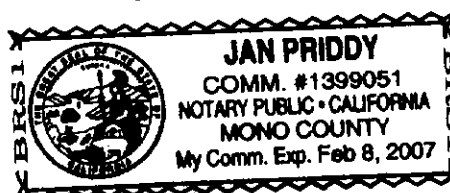
19 STATE OF CALIFORNIA }  
20 COUNTY OF MONO }

21 STACEY SIMON, Petitioner, being first duly sworn, deposes and says: That the  
22 foregoing statements are true.

23 Stacey Simon  
24 STACEY SIMON, Petitioner

25  
26 Subscribed and sworn before me this 22 day of April, 2003

27  
28 Notary Public



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ORDER

The Verified Petition of STACEY SIMON to practice in this case only is approved.

DATED: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE



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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF MONO

I, Karen J. Serwatka, the undersigned, declare that:

I am employed in the County of Mono, State of California. I am over the age of 18 and not a party to this cause. My business address is Mono County Counsel, 452 Old Mammoth Road, Post Office Box 2415, Mammoth Lakes, California 93546.

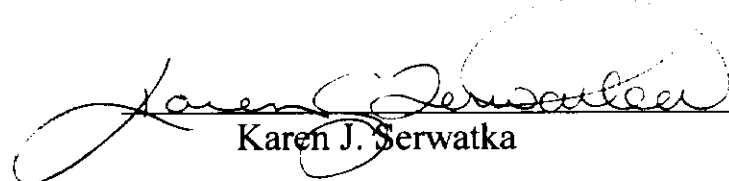
On May 22, 2003, I served a true copy of the foregoing document described as **Verified Petition for Permission to Practice in this Case Only by Attorney not Admitted to the Bar of this Court** on the parties in this cause, listed on attached Service List:

Please see attached Service List.

**BY MAIL**

X by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in a box designated by my employer for collection and processing of correspondence for mailing with the United States Postal Service, addressed as set forth above. I am readily familiar with the business practices of my employer for the collection and processing of correspondence for mailing with the United States Postal Service. The correspondence placed in the designated box is deposited with the United States Postal Service at Mammoth Lakes, California, the same day in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 22, 2003, at Mammoth Lakes, California.

  
Karen J. Serwatka

## **Service List**

**Erin Mahaney**  
State Water Resources  
Control Board  
1001 I Street, 22<sup>nd</sup> Floor  
Sacramento CA 95814

**Hugh Ricci, P.E.**  
Nevada State Engineer's Office  
123 W. Nye Lane  
Carson City NV 89710

**Kenneth Spooner**  
General Manager  
Walker River Irrigation District  
P.O. Box 820  
Yerington NV 89447

**R. Michael Turnipseed, P.E.**  
Dept. of Conservation & Natural  
Resources, State of Nevada  
123 W. Nye Lane  
Carson City NV 89710

**Michael W. Neville**  
California Attorney General's Office  
455 Golden Gate Ave.  
Suite 11000  
San Francisco CA 94102-3664

**Hank Meshorer**  
U.S. Dept. of Justice  
Natural Resources Division  
Ben Franklin Station, P.O. Box 7397  
Washington DC 20044-7397

**Daniel N. Frink**  
Water Resources Control Board  
State of California  
P.O. Box 100  
Sacramento CA 94814

**Kelly Chase**  
P.O. Box 2800  
Minden NV 89423

**Alf Brandt**  
Office of the Solicitor  
U.S. Department of the Interior  
2800 Cottage Way, Suite E-1712  
Sacramento CA 95825

**George N. Benesch**  
P.O. Box 3498  
Reno NV 89505-3498

**Robert L. Hunter**  
Western Nevada Agency  
Bureau of Indian Affairs  
1677 Hot Springs Road  
Carson City NV 98706

**John Kramer**  
Department of Water Resources  
1416 Ninth St.  
Sacramento CA 94814

**Susan Schneider**  
Indian Resources Section  
U.S. Department of Justice  
999 18<sup>th</sup> St., Suite 945, North Tower  
Denver CO 80202

**Ross E. de Lipkau**  
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**Jim Shaw**  
Chief Deputy Water Commissioner  
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**Craig Alexander**  
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Office of the Solicitor  
401 W. Washington St., SPC 44  
Phoenix AZ 85003

**Gary Stone**  
U.S. District Court Water Master  
290 S. Arlington Ave., 3<sup>rd</sup> Floor  
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**Alice E. Walker/Scott McElroy**  
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**Matthew R. Campbell/David Moser**  
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## **Service List (cont.)**

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